

**REAL ESTATE BOARD
MADISON, WI
MINUTES
SEPTEMBER 26, 2002**

PRESENT: Rebecca Dysland, Nancy Gerrard (attended by phone, left at 12:15 p.m.)
Richard Hinsman, Dick Kollmansberger, Hal Lee, Peter Sveum, Maria
Watts

STAFF PRESENT: Clete Hansen, William Black, Grace Schwingel, and DOE staff for a
portion of the meeting: Colleen Baird, Kelley Cochrane, Ralph Draeger,
Angi Jerney, Gene Kleinert, Pam Majewski, Marlene Meyer,

GUESTS: Rick Staff, WRA

CALL TO ORDER

Richard Hinsman, Vice Chair, called the meeting to order at 10:35 a.m. A quorum of 7 members
was present.

AGENDA

MOTION: Richard Hinsman moved, seconded by Richard Kollmansberger, to
approve the agenda as published. Motion carried unanimously.

MINUTES (8/22/02)

MOTION: Hal Lee moved, seconded by Peter Sveum, to approve the minutes of
8/22/02 as published. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Hal Lee moved, seconded by Richard Kollmansberger, to nominate
Richard Hinsman as Chair of the Board. Peter Sveum moved, seconded
by Nancy Gerrard, to nominate Richard Kollmansberger as Chair. A vote
was taken and Richard Kollmansberger was elected Chair. Motion
carried.

ADMINISTRATIVE REPORT

Clete Hansen, Division Administrator

- **Board Roster**

The Roster was approved as published.

- **Meeting Dates for 2002 and 2003**

There were no changes to the scheduled 2002 or 2003 meetings.

To-Do List

None

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases – September 6, 2002**

Noted

- **To-Pass Folder**

None

- **Service and Budget Committee – Richard Hinsman**

Clete Hansen reported on the Service and Budget Committee. Dick Hinsman represented the Board at the meeting and reported on the discussions that took place with members of other boards and the Secretary's Office. Hinsman reported that it was a beneficial meeting. He reported that Secretary Herrera indicated he will be considering all of the suggestions made by the board representatives and will do his best to meet the needs of the boards within the directions he has been given by the Department of Administration relating to preparation of the 2003-2004 Biennial Budget. Clete Hansen reported that the Department submitted its budget to DOA on Tuesday, September 17, 2002.

ADMINISTRATIVE RULES

Legal Counsel, William Black, reviewed the rule draft and explained the changes that were made to it. Legal Counsel, William Black, will finalize the draft after consulting with the Department's management staff and will present the rule for further consideration at its next meeting.

MOTION: Rebecca Dysland moved, seconded by Maria Watts, to accept the rule revisions as presented and to go forward to the next step in the process for further review. Motion carried unanimously.

LEGISLATION

Clete Hansen asked whether the Department should try to have the proposal relating to reciprocity of licensure introduced in the Legislature again during the next legislative session,

MOTION: Rebecca Dysland moved, seconded by Hal Lee, to submit legislation during the next legislative session relating to reciprocity of licensure. Motion carried unanimously.

MONITORING CONTINUING EDUCATION

Barbara Showers reported on the monitoring process for the continuing education program. Showers presented various options being used by other boards in handling their CE programs and monitoring CE compliance and indicated she is looking for a sense of direction from the Board as to what would be appropriate for the Real Estate profession.

The challenge before the Department right now is that Boards want continuing education which increases the workload for monitoring CE at a time when additional funds are not available to hire more staff to process a CE program that is too involved. Barbara Showers discussed the monitoring program used by the Office of the Commissioner of Insurance. Such a program would require licensees to pay an additional fee, so a third-party service provider could install and maintain a program for recording continuing education that had been completed and for reporting to the Department. The Board informally concluded that such a program is unnecessarily expensive. The Board would prefer other methods, such as random audits, for monitoring completion of continuing education.

MISCELLANEOUS CORRESPONDENCE

The Board reviewed a letter from Dan Schilling, of Residential Inspections who had concerns about the information that was being presented in a brochure that is being prepared by the Wisconsin Realtors Association (WRA), relating to environmental pollutants such as mold and radon that is sometimes found in homes. This letter was also discussed at the Home Inspection Advisory Committee on 9/25/02 but no action was taken. The Board discussed the use of moisture meters, the seller's prerogatives and interests, and the role of the broker in dealing with both buyers and sellers. The Board requested that Clete Hansen respond to Mr. Schilling concerning the issues raised in this discussion and concerning the fact that there may be some changes to the language in the forms when next revised. Also, many licensees use addendum forms that have more specific language.

PUBLIC COMMENTS

None

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

Colleen Baird presented stipulations on 01 REB 152, 00 REB 207, 02 REB 006, 02 REB 014, and 00 REB 180.

CLOSED SESSION

MOTION: Rebecca Dysland moved, seconded by Richard Hinsman, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. Motion carried by roll call vote: Rebecca Dysland-yes, Richard Hinsman-yes, Richard Kollmansberger-yes, Harold (Hal) Lee-yes, and Peter Sveum-yes, Maria Watts-yes.

Open Session Recessed at 12:25 p.m.

RECONVENE TO OPEN SESSION

MOTION: Richard Hinsman moved, seconded by Hal Lee, to reconvene into open session at 1:20 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Rebecca Dysland moved, seconded by Maria Watts, to close the following cases:

00 REB 225	closed for prosecutorial discretion (P1)
01 REB 066	closed for no violation
00 REB 272	closed for prosecutorial discretion (P3)
00 REB 093	closed for prosecutorial discretion (P2)
00 REB 259	closed for prosecutorial discretion (P3)
01 REB 064	closed for no violation
01 REB 074	closed for prosecutorial discretion (P3)
01 REB 053	closed for insufficient evidence
02 REB 058	closed for no violation
02 REB 105	closed for insufficient evidence
00 REB 046	closed for prosecutorial discretion (P1)
01 REB 327	closed for no violation
02 REB 023	closed for no violation
01 REB 028	closed for prosecutorial discretion (P1)

STIPULATIONS

MOTION: Hal Lee moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Caldwell Banker, 01 REB 152. Motion carried unanimously.

MOTION: Peter Sveum moved, seconded by Maria Watts, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Melvyn F. Mueller & Mueller Realty and Auction Service, 00 REB 207, 02 REB 006 & 02 REB 014. Motion carried unanimously.

MOTION: Hal Lee moved, seconded by Richard Hinsman, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving William Berland and Robert Heffernan d/b/a/ as Homestead Realty, Inc., and Homestead Lakes Realty, LTD., 00 REB 180. Motion carried unanimously.

MOTION: Peter Sveum moved, seconded by Hal Lee, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving David Shaner. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

CONNIE L. BRYANT & PATRICIA C. BELLINGHIERE

MOTION: Hal Lee moved, seconded by Maria Watts, to approve the proposed administrative warning to be issued to Connie L. Bryant, and Patricia C. Bellinghiere, 01 REB 206. Motion carried unanimously.

JOHN M. LAW & REMAX GENEVA REALTY INC. & KAREN A. KLIPP

MOTION: Hal Lee moved, seconded by Richard Hinsman, to return to DOE staff the administrative warning of 01 REB 233 currently before the Board regarding John M. Law & Remax Geneva Realty, Inc. for more information. Motion carried unanimously.

MONITORING REPORT

BARBARA MASCHE

MOTION: Peter Sveum moved, seconded by Maria Watts, to extend the time limit to January 15, 2003, for Barbara Masche to complete and show proof of completing the educational requirements. Motion carried unanimously.

MARK M. KOENIG

MOTION: Peter Sveum moved, seconded by Richard Hinsman, to authorize Legal Counsel, William Black, to write a letter to Mark M. Koenig, 96 REB 320 and 97 REB 031, to deny his request to reopen the case, because there is no basis for reopening this case. Motion carried unanimously.

CONFER WITH LEGAL COUNSEL - RE: RAINBOW AUCTION AND REALTY COMPANY & JON SCHUSTER

Clete Hansen advised that no discussion is needed at this time.

ADJOURNMENT

MOTION: Rebecca Dysland moved, seconded by Maria Watts, to adjourn the meeting at 1:30 p.m. Motion carried unanimously.

Next Meeting: Thursday, October 24, 2002